



November 20, 2014

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

**SUBJECT: Comments on the Office of Planning and Research's Preliminary
Discussion Draft of Updates to the CEQA Guidelines Implementing
Senate Bill 743 (Steinberg, 2013)**

Dear Mr. Calfee:

The Transportation Agency for Monterey County is the Regional Transportation Planning for Monterey County, and agency staff has reviewed the Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 (Steinberg, 2013).

The preliminary discussion draft outlines changes to the California Environmental Quality Act Guidelines implementing SB743 to provide an alternative to level of service for evaluating transportation impacts. The alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (New Public Resources Code Section 21099(b)(1).) Measurements of transportation impacts may include "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated."

The Transportation Agency supports the goals of SB 743 and the efforts of the draft guidelines to place a greater emphasis on vehicle miles traveled in determining the significance of impacts in environmental documents. However, our agency has concerns that the proposed guidance provides too broad a recommendation for the thresholds of significance by using the regional vehicle miles traveled average at the Metropolitan Planning Organization level. This should be revised to the county-level to better account for localized travel patterns. In addition, our agency strongly recommends that the use of level of service be preserved to determine roadway congestion for impact fee programs, and that previously established impact fee programs continue to be enforced.

The Transportation Agency offers the following comments:

- 1. Section 15064.3 Subdivision (a):** The subdivision clarifies that the primary consideration in an environmental analysis regarding transportation is the amount and distance that a project might cause people to drive. The Transportation Agency

supports focusing the analysis on trip generation and vehicle miles travelled. This is an important shift away from considering automobile delay as a significant impact that will encourage the development of alternative modes of transportation rather than a concentration on vehicle-centric improvements when identifying mitigations.

As well, impacts to transit and the safety of bicycle and pedestrian facilities are important considerations. With regions beginning to implement their Sustainable Communities Strategies, proposed developments that disrupt existing transit or inhibit new transit capacity, or endanger bicyclists and pedestrians, should be identified as impacts and required to provide mitigations.

2. **Section 15064.3 Subdivision (b):** This subdivision focuses on specific criteria for determining the significance of transportation impacts. It is further divided into four subdivisions: (1) vehicle miles traveled and land use projects, (2) induced travel and transportation projects, (3) safety, and (4) methodology.

For establishing the thresholds of significance related to the vehicle miles traveled generated from land use projects, the Transportation Agency has concerns related to the proposed recommendation to use the regional vehicle miles traveled average.

First, the proposal suggests that the regional average can be determined at either the Metropolitan Planning Organization or Regional Transportation Planning Agency level. Our agency recommends that this be revised to the county-level, as some Metropolitan Planning Organizations cover multiple counties where the regional average at the MPO level is not representative of the individual counties.

In addition, using just the regional average can put areas at a disadvantage, such as in Monterey County where some communities have to drive long distances to reach employment and educational opportunities. Our agency further recommends that the threshold take into account whether a development is within an opportunity area as identified in the region's Sustainable Communities Strategy.

For the required analysis of induced travel stemming from transportation projects, the Transportation Agency supports the proposed exemption for rural roadways where the primary purpose is to improve safety and where speeds are not significantly altered, as well as new managed lanes (i.e. tolling, high-occupancy lanes, lanes for transit or freight vehicles only, etc.).

The Transportation Agency also supports the goals of the last two sections: that development's need to consider local safety impacts, particularly to bicycle and pedestrians; and that lead agencies need to perform an analysis that extends beyond its political boundaries.

3. **Section 15064.3 Subdivision (c):** This subdivision reiterates the general rule that when a lead agency identifies a significant impact, it must consider mitigation measures that would reduce that impact. In areas with transportation impact fee programs, the use of level of service is common for determining roadway impacts and appropriate

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mitigations. The ability to continue to use level of service or other methods of congestion measurement will be vital for the integrity of these fee programs.

This does present a potential contradiction, though, for developments that are determined to be below the threshold of significance for vehicle miles travelled, but are still required to contribute to impact fee programs. Since the amount of impact fees due by a development is often determined by the number of trips generated, a development could fall below the regional vehicle miles travelled average threshold but still be generating new vehicle trips that would trigger the fee. Our Agency strongly recommends that the guidelines include provisions for previously adopted measures to mitigate congestion impacts will continue to be enforced.

Thank you for the opportunity to comment on the proposed guidelines. If you have any questions, please contact Michael Zeller of my staff at 831-775-0903.

Sincerely,



Debra L. Hale
Executive Director

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